

## **DRAWINGS**

The drawings are objected to under 37 C.F.R. 1.83(a). Claim 1 has been amended to overcome the objection. Withdrawal of the rejection is respectfully requested.

## **REJECTION UNDER 35 U.S.C. § 102**

Claims 1-2 and 6-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Reuschenbach et al. (US 4307874 provided in the IDS, Paper No. 2). Claim 1 has been amended to define the valve body as being fixedly secured to the pressure tube. As stated in the specification at the bottom of Claim 9 and the top of the page 10, the axial position of the valve body is used to tune damper. Valve body 60 illustrated in Figure 1 and valve body 160 illustrated in Figure 2 are axially moveable within the pressure tube and are thus not fixedly secured to the pressure tube as is now defined in amended Claim 1.

Thus, Applicant believes Claim 1, as amended, patentably distinguishes over the art of record. Likewise, Claims 6 and 7 which ultimately depend from Claim 1 are also believed to patentably distinguish over the art of record. Claim 2 has been cancelled. Reconsideration of the rejection is respectfully requested.

Claims 1-2 and 6 are rejected under 35 U.S.C 102(b) as being anticipated by Finhaus (US 1,566,190 provided in the IDS, Paper No. 2). Claim 1 has been amended to define the pressure tube as being a closed pressure tube having an inner wall which forms a sealed working chamber. The pressure tube defined in Finhaus is open to define an unsealed working chamber. The specification of Finhaus on page 1,

line 70 states "a change in the speed with which the buffer piston enters the cylinder" and on page 2, line 1 states "when piston F enters the buffer cylinder". (emphasis added). Thus it is clear that the pressure tube in Finhaus is not closed to form a sealed chamber. Thus, Applicant believes Claim 1, as amended, patentably distinguishes over the art of record. Likewise, Claims 6 and 7 which ultimately depend from Claim 1 are also believed to patentably distinguish over the art of record. Claim 2 has been cancelled. Reconsideration of the rejection is respectfully requested.

### **REJECTION UNDER 35 U.S.C. § 103**

Claims 1-2 and 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Guzder et al. (US 4356898 provided in the IDS, Paper No. 2) in view of Leno (US 6161821). Claim 1, as amended defines a closed pressure tube having an inner wall which forms a sealed working chamber. The piston slidingly engages the pressure tube to divide a first portion of the working chamber into an upper and lower working chamber. Applying these elements to Guzder et al., pressure tube 12 divides the working chamber into an upper working chamber and a lower working chamber but the valve body 26 does not define a fluid chamber located in a second portion of the working chamber. The chamber defined by Guzder et al. is outside of the working chamber. Leno combined with Guzder et al. does not provide the missing structure to Guzder et al. Thus, Applicant believes Claim 1, as amended, patentably distinguishes over the art of record. Likewise, Claims 6 and 7 which ultimately depend from Claim 1 are also believed to patentably distinguish over the art of record. Claim 2 has been cancelled. Reconsideration of the rejection is respectfully requested.

Claims 1-2 and 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Margolis et al. (US 4844428). Margolis et al. lacks the structure now defined in amended Claim 1 in a similar manner as described above fro Guzder et al. and there is nothing in Margolis et al. which anticipates or makes obvious the structure now defined in amended Claim 1. The piston slidingly engages the inner cylinder and thus, the second portion is not defined as being in the working chamber defined by the pressure tube as in amended Claim 1. Thus, Applicant believes Claim 1, as amended, patentably distinguishes over the art of record. Likewise, Claims 6 and 7 which ultimately depend from Claim 1 are also believed to patentably distinguish over the art of record. Claim 2 has been cancelled. Reconsideration of the rejection is respectfully requested.

#### **REJOINDER**

Applicant respectfully requests the rejoinder of Claim 8.

### CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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## ATTACHMENT FOR CLAIM AMENDMENTS

The following is a marked up version of each amended claim in which underlines indicates insertions and brackets indicate deletions.

1. (AMENDED) A damper comprising:

a closed pressure tube having an inner wall which forms a sealed working chamber;

a piston disposed within said working chamber, said piston ~~[dividing]~~slidingly engaging said pressure tube to divide a first portion of said working chamber into an upper working chamber and a lower working chamber;

a first flow path extending through said piston to provide communication between said upper working chamber and said lower working chamber;

a valve body disposed within said working chamber to define a fluid chamber located in a second portion of said working chamber said valve body being fixedly secured to said pressure tube; and

a second flow path extending through said valve body to provide communication between said lower working chamber and said fluid chamber, said second fluid flow path being an open flow path.